IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 599 of 1995**

Between:

Blue Sea Prawn Frams Private Limited, rep.by its General Manager,T.V.Narahari,S/o.Kondandaramireddy, R/o.16/1611-1, Ramamurthy Nagar, Nellore.

**..... PETITIONER**

AND

1 The Dist Collector, Nellore District.
2 The Mandal Revenue Officer, Indukurupet, Nellore District.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction one preferably in the nature of writ of Mandamus restraining the respondents herein to forebear from taking proceedings under A.P.Revenue Recovery Act, 1894 against the petitioner herein in pursuance of Form 1 notice dated 01-06-1994 issued by the 2nd respondent herein under section 8 of the A.P.Revenue Recovery Act, 1894.

**For the Petitioner: MR. K.L.N.SWAMY, Advocate**

**For the Respondents: GP for Revenue**

**The Court made the following :**

**ORDER:**

The petitioner-company prays to issue writ of Mandamus restraining the respondents to forbear from taking proceedings under A.P. Revenue Recovery, Act 1894 (for short "the Act") against the petitioner in pursuance of the notice in Form-1, dated 01-6-1994 issued against it by the second respondent under Section 8 of the Act.

The petitioner-company claims to have acquired some lands in survey Nos. 65, 77 and 32 of Korutur village, Indukurupeta Mandal of Nellore District. The company was paying land revenue regularly and paid an amount of Rs.2,000/- each for the years 1992-93 and 1993-94 under receipt Nos.775175 and 18151 respectively. The grievance of the petitioner is that without giving any prior notice to it and without conducing any enquiry or seeking any clarification from the petitioner, the land revenue of the lands in question was enhanced from Rs.2,000/- to Rs.25,700/- and the second respondent issued the impugned distraint notice, dated 01-6-1994, directing the petitioner to deposit the said amount or else public auction of the lands would be conducted for recovery of the said amount.

It is submitted by the petitioner that in similar circumstances, this Court in W.P. Nos.2352 and 2366 of 1993, dated 17-6-1997 directed the petitioners therein to file representation before the Mandal Revenue Officer concerned raising all objections and on such filing the Mandal Revenue Officer should pass appropriate orders thereon and till such time, status-quo be maintained. Hence, the present writ petition.

The second respondent-Mandal Revenue Officer filed counter-affidavit contending that since the petitioner converted the lands in question from agriculture to non-agricultural use and started aqua culture operations in them during the year 1993, the land revenue was enhanced to Rs.25,700/- by invoking the provisions of

A.P. Non-Agricultural Lands Assessment Act, 1963 (NALA Act). It is also contended that the writ petition is not maintainable, as the petitioner without exhausting the statutory remedy available under Section 57-A of the Act by way of Revision to the Government or to the Chief Commissioner of Land Administration, filed the writ petition. Accordingly, the second respondent prays to dismiss the petition.

Heard the counsel on either side.

Having Regard to the facts and circumstances of the case and in view of the fact that the petitioner has the alternative remedy by way of Revision before the Government or the Chief Commissioner of Land Administration, it is open to the petitioner to avail the remedy by filing a revision under Section 57-A of the A.P. Revenue Recovery Act, before the Government of Andhra Pradesh or the Chief Commissioner of Land Administration within a period of eight weeks from today. Till such time, all further proceedings in pursuance of the impugned notice, dated 01-6-1994 issued by the second respondent be stayed.

The writ petition is accordingly disposed of. No costs.

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**N.V. RAMANA, J**

**Date: 22-7-2004**

Svv

To

1 The Dist Collector, Nellore District.
2 The Mandal Revenue Officer, Indukurupet, Nellore District.

3 Two CCs. to Govt. Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT).

4 Two CD copies.